



**Exhibit 1 to Addendum No. 1
Official Questions and
Responses from the City of Reno for
the RFPP received by
Monday, August 20, 2001**



No.	Question or Clarification	Response
1.1	What additional geotechnical/soil borings information will be available prior to RFP release?	The City anticipates additional geotechnical boring information at some selected bridge locations and additional soil boring information within the 54' right-of-way will be available with the RFP.
1.2	What additional utilities location (or potholing) information will be available prior to RFP release?	The City intends to advance the utility engineering before issuing the RFP including selective potholing. Any additional information obtained will be included in the RFP.
1.3	Will a copy of the City's GIS database and mapping for City-owned storm drain and sanitary sewer lines be available?	Yes, to the extent available, such material will be provided with the RFP.
1.4	Will a test pit be provided?	The City does not intend to provide a test pit at this time.
1.5	Will the AutoCAD files from Nolte be available to the Teams?	Electronic files of all Project reference drawings will be available with the RFP.
1.6	Will there be DBE goals for the D/B team?	Yes, there will be disadvantaged business enterprise (DBE) goals for the Design-Build Contractor. The City is currently in the process of developing the DBE program applicable to the Project in conjunction with the Nevada Department of Transportation and FHWA. The specific goals and the City's DBE program, as well as the responsibilities of the Design-Build Contractor with respect to DBE participation, will be set out in detail in the RFP. The City currently anticipates that the Project specific goal will be at or close to 5% DBE participation.
1.7	What are the requirements for the DBE firm (e.g., certifying agency, revenue thresholds, office location)?	DBE firms will be required to meet the federal and NDOT requirements for the DBE classification. Proposers will need to provide evidence that the proposed DBE firms were certified as Nevada DBEs by NDOT at least 5 days before the date on which the final proposals in response to the RFP are due. Any further details regarding DBE requirements shall be set forth in the RFP.
1.8	Please clarify who must complete a 254/255?	See Addendum #1.

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1.9	Please clarify if resumes are required separately from the those in the 255.	Resumes should be included in the Preliminary Proposal in addition to those which might be included as part of the SF 254/255 Forms.
1.10	Would you consider changing the time of delivery to 2:00 or 3:00 pm to allow for FedEx Delivery?	No.
1.11	Please clarify what is in volume 1 and what is in volume 2 and how many copies (bound and unbound) of each volume.	<p>The City is unclear as to what the question means by "Volume 1" and "Volume 2" as no such delineations are made in the RFPP. Proposers have flexibility on whether to include their Preliminary Proposal materials in one or more "volumes"; <u>provided, however</u>, that the City does require that the financial package (Section 4(C) materials) and any pre-printed materials be included in separate "volumes".</p> <p>With respect to the number of originals and copies of the Preliminary Proposal required, as noted in Section 6 of the RFPP, the City requires 15 bound copies, one bound original and one unbound original (for a total of 17 sets) of each "volume" submitted.</p>
1.12	Please clarify how each separate portion of the submittal should be marked.	See item 1.11 above. Proposers should follow the outline of Section 4 of the RFPP for purposes of organizing the Preliminary Proposals; provided, however, Proposers shall be allowed to include a 5 page executive summary at the beginning of the Preliminary Proposal (the executive summary shall not count toward the 35 page limit set forth in Section 6 of the RFPP).
1.13	Please clarify if project description are required separately from those in the 255.	Project descriptions should be prepared and included in the Preliminary Proposal in addition to those which might be included as part of the SF 254/255 Forms. Proposers are urged to carefully review the requirements of Paragraph A for the project reference information that is required to be included with each project reference.
1.14	Will the signal and crossing warning equipment installation be part of the D/B contract?	Responsibility for procurement and installation of railroad signal and crossing protection equipment will be identified in the RFP.
2.1	Can you please clarify the definition of team, how you see that and how that works with the requirements for, for instance, the legal and financial information. And I'm asking because I'd like to know if you'd like financial statements from every member of the team, or only the subcontractor or contractor design team, cut down on the amount of information presented.	See Addendum #1.
2.2	Regarding the DBE goals, apparently they have not yet been determined. Can you give us some target range that we could shoot for what had the DBE goal will be for this team.	See item 1.6 and 1.7 above.

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2.3	The City has done a great deal of work for right of way acquisition. What do you see the design build's team responsibility for right of way acquisition once the project starts given the large amount of work?	Specific details about the Design-Build Contractor's responsibility for right of way acquisition work shall be set forth in the RFP. Conceptually, however, the City currently intends to undertake significant survey, legal description and appraisal work in advance of issuing the RFP and award of the contract. To the extent the City is unable to complete such work and/or additional right of way requirements are identified, the City may include some or all of such right of way work in the Design-Build Contractor's scope.
2.4	Is it possible that the resumes that are included in the Preliminary Proposal be removed from the 35-page limitation and included back in an appendix to demonstrate the capability of some of the people?	<p>Yes, resumes may be put in an appendix and shall not be counted towards the 40 page limit (note that a 5 page executive summary has now been added to the 35 page limit per item 1.12 above).</p> <p>Other items which are not included in the 40 page limit are the surety letter required under Section D.1, the past performance information required under Section E, a separate financial package and pre-printed material, the Industrial Safety Record forms (see Attachment 2), Contractor Information forms (see Attachment 3), Contractor Certification forms (see Attachment 4) and SF254 and SF255 forms.</p>
2.5	In addition to the documents that are provided, is there going to be additional geotech information and utilities information developed by the current project team and what the availability of that is going to be. Will it be made available at the time of the RFP?	See item 1.1 and item 1.2 above.
2.6	Could the City make available copies of the project management team's proposal and contract? Will that be prior to the due date of the RFPP or will that be later?	The proposal and contract are currently available from Sierra Legal Duplicating.
2.7	Could you clarify, in the design part of the team, given a lead designer and some sub designers, level two designers, how many 255's and how many 254s do you really want?	See item 1.8 above.
2.8	In line with the 254 and 255 questions, why is the City requiring them since most of the information you've requested throughout other sections in the RFPP is in the 254, 255.	The City has made the determination that, while there is some overlap between the 254/255 forms and the information requested in Sections A-I, both the forms and the requested information will be required. See Addendum #1.

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2.9	<p>Comment on the industry review process? Specifically, I assume that the City will, once you get pre-qualified teams, take the opportunity to meet with those teams and discuss systematically a variety of issues from construction to design to contract. Do you have enough time, based on your schedule now to get to everybody? Is that going to be a biweekly, three times a day, can you give us some feel for that, please?</p>	<p>The City is currently developing its plans for industry review, which it anticipates undertaking following the shortlisting of respondents to the RFPP. The current intent is that the City shall issue draft RFP, scope of work and contract documents or summaries/terms sheets to the shortlisted teams. The shortlisted teams will be asked to provide written comments to the City within a specified period. Following receipt of the written comments, the City may schedule one-on-one and/or group meetings to discuss issues and comments that have been identified by the shortlisted teams.</p> <p>Specific details concerning the industry review process will be made available to the shortlisted teams following shortlisting.</p>
2.10	<p>Will the City have a QA QC independent of the designer or contractor –the RFPP indicates that this is being contemplated by the City?</p>	<p>The City has not yet made this determination and is analyzing different QC/QA models. Requirements for QC/QA shall be set forth in the RFP.</p> <p>Proposers are urged, however, to carefully review the requirements of Section A and include all required information regarding QC/QA, including QC/QA personnel, QC/QA experience and the QC/QA function.</p>
2.11	<p>Could you please comment on the grade crossing as to who actually takes care of getting those permits and when that starts.</p>	<p>The Nevada Public Utilities Commission has jurisdiction with respect to grade crossings and grade separations. Specific details about the Design-Build Contractor's responsibility for procuring permits for grade crossings and grade separations shall be set forth in the RFP. Conceptually, however, the City currently anticipates initiating the permit process regarding grade crossings for the shoofly track. To the extent the City is unable to procure the grade crossing permits for the shoofly track and/or additional permit or regulatory issues are identified (including permits associated with the grade crossings and grade separations related to the corridor and trench), the City may include some or all of such work in the Design-Build Contractor's scope.</p>

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2.12	Do I understand correctly that the City is going to be the permitting agency, will have everything done for the utilities and will have an agreement with Fitzgerald's regarding underpinning so the Design-Build Contractor will not have to undertake such activities?	<p>The City will only be the permitting agency for permits traditionally issued by the City and the Design-Build Contractor shall be responsible for securing such permits in accordance with applicable law and standard City policies and procedures.</p> <p>With respect to other Project permits, the City intends to procure as many permits as it is able to prior to award of the Contract. To the extent the City is able to secure such permits, they will be identified in the RFP. Specific details about the Design-Build Contractor's responsibility for procuring Project permits shall be set forth in the RFP.</p> <p>With respect to utilities, the City is currently in the process of discussing and negotiating master utility agreements with the relevant utility companies. To the extent the City is able to secure such agreements, they will be identified with the RFP. Specific details about the Design-Build Contractor's responsibility for utility relocations and procuring permits from and/or agreements with utilities shall be set forth in the RFP.</p> <p>With respect to agreements with other third parties, specific details about the Design-Build Contractor's responsibility shall be set forth in the RFP.</p>
2.13	Do you have agreements in place with the investor owned utilities that they will move their facilities within the City rights of way and on a schedule?	See item 2.12 above.
3.1	Section A.2 requests we provide a resume synopsis for each key staff member. The 35-page limitation makes it difficult to adequately present the qualifications of the key personnel required in this section.	See item 2.4 above.
3.2	Section C.5 specifies that the financial information be packaged separately for each entity. We interpret this to mean the requirements of C.1 through C.4, which include the audited financial statements, any required explanations, and the required auditor letters.	Correct.

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3.3	Section C, Paragraph 1 states that a Guarantor will be required for any equity member that “does not have audited financials, or if it fails to meet the minimum financial requirements stated in the RFPP...” We could not locate any other references to “minimum financial requirements” in the RFPP.	<p>The quoted text in the question is incorrect. The reference is to “minimum financial requirements stated in the <u>RFP</u>.”</p> <p>The City is currently analyzing whether it will include a minimum net worth or other financial threshold in the RFP which may be satisfied by the Proposer or through a guarantor. Specific details regarding any minimum financial requirements and the requirement for (and of) a guarantor shall be set forth in the RFP. Proposers should note, however, that (i) the City may also specify that an acceptable guarantor is required as a condition of shortlisting and (ii) a guarantor must be proposed by a Proposer under the circumstances described in Section C.1.</p>
3.4	We understand that the surety letter, past performance information, Industrial Safety Record Form, Contractor Information Form, Contractor Certification, SF254, and SF255 are to be included within the Preliminary Proposal volume and not with the separately bound financial package. We recommend that this information be bound separately.	The items identified in the question need not be included within the Preliminary Proposal volume and may be bound/included in appendices or a separate volume. See item 1.11, item 1.12 and item 2.4 above.
3.5	Section 6 refers to the submittal of “pre-printed materials” as being included in the Preliminary Proposal. Clarify the “pre-printed material” requested.	By pre-printed materials, the City means corporate brochures and marketing-type materials. None is requested or required but may be included in the Proposer's discretion. Note, however, that the City does not guarantee that such material will be reviewed and should be viewed as only for general information purposes.
3.6	Section 6, the first paragraph states: “... and SF254 and SF255 forms must be completed for the team, equity team members, and any team member that will have primary responsibility for design work and any team member that will have responsibility for construction work...” The paragraph further states: “The SF254 and SF255 forms are required only for the team members proposed to perform design work for the project.” The information contained in the SF254 and SF255 is a duplication of the information required throughout Section A and B of the Preliminary Proposals.	See items 1.8 and 2.8 above.
3.7	Attachment 1, The 2 nd paragraph on page 1-1 states the documents listed are <u>all</u> (emphasis added) in the public domain and may be available from other sources. The City has made the documents available for purchase through Sierra Legal Duplicating, Inc. SLD). Several of the documents listed are not in the public domain. Does this mean they are only available through SLD?	What is meant by “in the public domain” is that the documents are public documents, not confidential and are available to the public. In this case, the City has made the arrangements to make such documents available through SLD, as described in the RFPP.

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3.8	Section 4, Subsection D surety bonds, the 2 nd paragraph states: "The evidence regarding bonding capacity should take the form of a letter from a surety or insurance company indicating that such capacity exists for the team." Please clarify if you want separate surety letters from the equity partners or participants of the team versus a single letter covering all equity partners.	In connection with the RFPP, separate letters for the individual equity participants are acceptable, as is a single letter covering all equity participants. Proposers should note, however, that the ultimate contract and RFP requirement shall be that payment and performance bonds be issued covering the team.
3.9	The required order of packaging the RFPP is not clear. In addition, it is not clear exactly what is considered in the 35-page limit.	See item 1.11, item 1.12, item 2.4 and item 3.4 above.
3.10	Section A.2, this section requires that the key staff members who would be assigned to the project be identified. The RFPP does not provide direction or discussion of the possibility that when the project is awarded, June 2002, the personnel submitted with the Preliminary Proposal might no longer be available for a position on the project. Employment within the construction industry is dynamic. Individuals are assigned to other project, leave the employ of the employer for a number of reasons or retire. Some provision needs to be made to reflect the dynamics of the availability to provide the key personnel when the project is awarded.	While the City recognizes personnel availability and scheduling issues impact the Proposers, Proposers are urged only to identify and proffer personnel that they believe will be available for, and intend to assign to work on, the ReTRAC project for the positions identified. Procedures concerning key staff changes will be set forth in the RFP; however, requests to implement such changes will be reviewed very carefully by the City and subject to City approval. Failure to obtain City approval for such changes may result in disqualification of the Proposer by the City. Requests for key staff changes will be analyzed on a case by case basis.
3.11	Section A.6, this section indicates that the prequalificant must describe the team's experience involving design and construction QC and QA programs. It further asks for a description of how the team has structured the QC/QA function to insure independent and professional quality decisions and control. It then goes onto indicate the exact form required for this structure might be defined by the City or possibly implemented by the City. To submit a representative Preliminary Proposal, the prequalificant must have an understanding as to what the City's intentions are regarding the structure this aspect of the project is to assume. Without this direction, it is not reasonable to expect one team to propose one method of structure for this organization and others different strictures with a clear understanding of what the City expects.	The City respectfully disagrees. The City views QC/QA experience and the QC/QA function as very important to the success of the Project. The City believes that the Proposers should be able to describe their QC/QA experience and approach to QC/QA for a project of the nature of the Project without regard to the specific details of the City's expectations and QC/QA requirements.
3.12	Section 6, it is the intent of this paragraph that the primary design firm complete Attachments 2, 3, and 4, which are generally contractor related forms.	Yes.

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3.13	Please clarify the issue of indemnification that will be provided, if any, to the design/build contractor from any future environmental spills, releases and upset conditions that may result in harm or increased risk to human health or the environment after the project is completed should the railroad or other transportation operator have an accident or upset condition that results in contamination to the roadbed, subsurface soils or groundwater near or within the Truckee River or other environmental sensitive thoroughfare in the vicinity of the entire project site.	The City is currently developing its approach to risk allocation with respect to hazardous materials and other risk items. The RFP will set forth the City's determination and allocation concerning all risk issues.
3.14	Please clarify how changes to site conditions will be addressed and resolved after contract award, where site conditions and other findings differ from that information made available from prior geotech, environmental sampling and permitting, utility systems or other relevant information was developed and provided by others before the contract award.	See item 3.13 above.
3.15	In Section E.2 and E.3, use of the terms "major capital projects" and "capital project". We would consider the terms to be interchangeable and to mean projects in excess of \$100 million.	The City views major capital projects and capital projects as projects in excess of \$25 million.
3.16	In Section I.6, "...project which resulted in assessment of liquidated damages or stipulated damages..." This is interpreted to mean final completion penalties assessed and actually paid at project completion.	The City intends that Proposers report liquidated damages or stipulated damages assessments at any time during a project, not just final completion penalties. However, if such damages were assessed but not paid through settlement or negotiations with the project owner, they need not be included. Note that unresolved instances of assessed liquidated or stipulated damages (i.e., currently subject to negotiations or challenge, etc.) should be included.
3.17	There is a request for a "bound original" and an "unbound original" of the submittal. Please clarify unbound vs. bound, e.g., if the intent is for unbound copy is to be able to remove the pages freely, does a three-ring binder in contrast to spiral binding meet that requirement?	The unbound copy should be free of holes or binding.
3.18	Section 4(G) requires the respondent to "describe how each team member has achieved contract goals for participation of disadvantaged business enterprises in five public sector projects." Please clarify the term team members. Is it meant to mean only the equity participants? Are you requiring a total of five projects for the team or must we provide information on five projects per team member?	See Addendum #1. With respect to the number of projects, five for the entire team is sufficient.

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3.19	May we combine design firms' SF255s into a single project specific submittal as is typical? Normally, the SF255 Block 10, Additional Information, is used to discuss project approach – what are your expectations for this section given that similar approach information is requested as part of the RFPP submittal?	See Addendum #1.
3.20	Attachment 4, A. 1 - With regard to "Has the entity ever failed to complete work it agreed to perform," we read this to be termination for default or termination for cause. Also, there is no time boundary on this question. In order to provide an unqualified response based due diligence, will "termination for default or for cause in the past five (5) years" be acceptable?	The City will accept a time limit of 5 years. With respect to "failed to complete work it agreed to perform", the City means (i) terminations for default or cause; and (ii) instances where the entity has terminated a contract or not completed work through its own voluntary action or decision (as opposed to a termination for convenience by a project owner).
3.21	E.1 (on p. 10) - In order to provide an unqualified response based upon due diligence, this question also needs to have a time limit such as five (5) years as provided for under E.2.4-E.4. Also, please clarify penultimate sentence. We are a large international company and we have no database that could track where an owner has made an allegation of a material breach. We doubt that any of our large competitors could provide an unqualified answer to this question either. This is not limited to written allegations nor does it identify who makes the allegation. Please clarify.	The City will accept a time limit of 5 years. In addition, the City modifies the section by deleting the requirement for inclusion of situations involving an allegation of material breach, unless such allegation is the subject of a current arbitration, litigation, dispute review board or other dispute resolution proceeding.
3.22	A.1 (on p. 5) - With regard to, "Project references must include the original contract amount and completion deadline, the final contract amount and completion date" --We concluded that the "original contract amount" equals "estimated total installed cost at contract signing" and "final contract amount" equals "total installed cost (forecast or actual)" Is this correct?	Yes.
3.23	Sect. 3 - Procurement Process and Contract Requirements (pg. 3 of 18) Definition and standing of "shortlist team". What if, once a team is qualified it wants to change its internal structure. Will this be allowed? If a company becomes a principal at a later date, will the City permit this, assuming financial strength of team either remains the same or increases?	Procedures concerning organizational/equity participant changes will be set forth in the RFP; however, requests to implement such changes will be reviewed very carefully by the City and subject to City approval. Failure to obtain City approval for such changes may result in disqualification of the Proposer by the City. Requests for organizational/equity participant changes will be analyzed on a case by case basis.
3.24	May DBE/WBE firms be added to a "team" at a later date without disqualifying "team from shortlist?	Yes, DBE firms may be added later as the City does not expect that the Proposers have identified all subcontractors at this time; <u>provided</u> <u>however</u> , that changes to equity participants, key staff and other major subcontractors shall be carefully reviewed by the City and subject to approval as a condition to continued participation in the procurement process.

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3.25	Sect. 4.G - Participation of Disadvantaged Business Enterprise (DBE) - City has stated they will issue DBE plan at RFP. Will plan be inclusive of use of WBE & MBE firms as well as DBE firms?	There is no separate distinction in the State of Nevada for WBE and MBE firms. DBE firms certified by NDOT as Nevada DBEs at least 5 days before the date on which the final proposals in response to the RFP are due will be the relevant category.
3.26	The Geotechnical Engineer has recommended slurry walls as the "preferred" method for construction of the excavation support system. Is the owner open to alternative suggestions for other methods if it can be demonstrated that other methods are suitable for this site?	Specific requirements and limitations concerning alternatives and the submission of alternatives will be set forth in the RFP. However, in general terms, the City will welcome and encourage Proposers to innovate and submit suitable alternatives.
3.27	<p>Page 13 of 18, paragraph 5 states: "No entity...actively engaged...as a consultant to the City...shall be entitled to submit a Preliminary Proposal...."</p> <p>Please indicate as to which date "actively engaged" applies (is it the submittal date of September 7, 2001?). This may be crucial to those consultants currently terminating contracts as to their eligibility to participate.</p>	<p>Entities or individuals who are currently doing work for the City concerning the Project are not eligible to submit a Preliminary Proposal or participate on a design-build team. If an entity or individual substantially completes their work, as determined by the City, on or before September 7, 2001, the Preliminary Proposal Due Date, they will be eligible to submit a Preliminary Proposal and participate on a design-build team.</p> <p>To ensure eligibility, those entities which are currently doing work for the City concerning the Project and anticipate substantial completion on or before September 7, 2001 should request the City's concurrence that substantial completion has occurred or will occur <u>as soon as possible</u>. The City will review such requests on a case by case basis and issue a written determination to such individual or entity.</p>